

# EXHIBIT 5

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba  
VIVATO TECHNOLOGIES,

Plaintiff,

V.

AT&T SERVICES INC., AT&T MOBILITY

LLC, and AT&T CORP.,

Defendants.

NOKIA OF AMERICA CORPORATION and  
ERICSSON INC.,

**Intervenors.**

[illegible]

NO. 2:23-CV-00202-JRG-RSP  
(Lead)

## PRELIMINARY CONSTRUCTIONS

ID	Disputed Term	Preliminary Construction
A	“forward path pre-equalization parameter” (’369 Patent, Claims 1, 13, 21, 32, 33, 41)	Pre-equalization parameter for modifying a forward path signal to reduce unwanted effects associated with multipath fading between the transmitter and the receiver
B	“substantially reciprocal to” (’369 Patent, Claim 12)	
C	“wireless input/output (I/O) unit” (’939 Patent, Claims 15, 30)	Plain and Ordinary Meaning

D	<p>“signal transmission/reception coordination logic” (’939 Patent, Claims 15, 30)</p>	<p>Governed by 35 U.S.C. § 112 ¶ 6</p> <p><b>Function:</b></p> <p><b>Claim 15:</b> “ascertaining, by monitoring the plurality of access points for received signals, that:” (i) “a first access point of the plurality of access points is receiving a first signal on a first channel,” (ii) “a second access point of the plurality of access points is receiving a second signal that is ongoing on a second channel,” (iii) “restrain[ing] at least a third access point of the plurality of access points from transmitting a third signal on a third channel responsive to the ascertaining that the first access point is receiving the first signal and that the second access point is receiving the second signal that is ongoing-on the second channel, wherein the restraining at least the third access point prevents degradation to the first and second signals”</p> <p><b>Claim 30:</b> (i) “ascertaining, by monitoring the plurality of access points for received signals, that a first access point of the plurality of access points is receiving a first signal on a first channel” and (ii) “restrain[ing] at least a second access point of the plurality of access points from transmitting a second signal on a second channel different from the first channel responsive to the ascertaining that the first access point is receiving the first signal.”</p> <p><b>Structure:</b> “(1) accepting multiple receive indicators from multiple BB units; (2) determining whether an affirmative signal reception indicator from a BB unit is detected in the indicators; (3) providing instructions to the MACs that are associated with any BB units for which an affirmative reception indicator is detected to restrain</p>
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ID	Disputed Term	Preliminary Construction
		signal transmission.” Fig. 7; Col. 10:22-60
E-1	<p>“restrain . . . responsive to the ascertaining that the first access point is receiving the first signal and that the second access point is receiving the second signal that is ongoing-on the second channel”</p> <p>(’939 Patent, Claim 15)</p>	Plain and Ordinary Meaning
E-2	<p>“restrain . . . responsive to the ascertaining that the first access point is receiving the first signal”</p> <p>(’939 Patent, Claim 30)</p>	Plain and Ordinary Meaning
F	<p>“the access point”</p> <p>(’939 Patent, Claims 20–21)</p>	Indefinite
G	<p>“transceiver”</p> <p>(’235 Patent, Claims 1, 15, 18, 19)</p>	Plain and Ordinary Meaning
H	<p>“n multiple-input multiple-output transceivers (MIMO)</p> <p>(’511 Patent, Claims 1, 10)</p>	Plain and Ordinary Meaning
I	<p>“MIMO transmitter . . .”; “MIMO receiver . . .”</p> <p>(’511 Patent, Claims 1, 10, 20)</p>	Plain and ordinary Meaning.
J	<p>“2nd Generation Partnership Project (3GPP) Long Term Evolution (LTE) 3GPP LTE-Advanced, 3GPP LTE-TDD, 3GPP LTE-FDD”</p> <p>(’511 Patent, Claims 2, 11)</p>	<p>“one of the 3GPP LTE, LTE-Advanced, LTE-TDD or LTE-FDD standards that existed at the time of invention”</p>

